



General Assembly

January Session, 2009

**Committee Bill No. 723**

LCO No. 4412

\*04412SB00723JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE POSTING OF TEN PER CENT CASH BAIL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-66 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) (1) In any criminal case in which a bond is allowable or required  
4 and the amount thereof has been determined, the accused person, or  
5 any person in the accused person's behalf, [(1)] (A) may deposit, with  
6 the clerk of the court having jurisdiction of the offense with which the  
7 accused stands charged or any assistant clerk of such court who is  
8 bonded in the same manner as the clerk or any person or officer  
9 authorized to accept bail, a sum of money equal to ten per cent of the  
10 amount called for by such bond, or the total amount called for by such  
11 bond, except that no professional bondsman licensed under chapter  
12 533 or surety bail bond agent licensed under chapter 700f may deposit  
13 ten per cent of the amount called for by such bond as authorized under  
14 this subparagraph, or [(2)] (B) may pledge real property, the equity of  
15 which is equal to the amount called for by such bond, provided the  
16 person pledging such property is the owner of such property, and such

17 accused person shall thereupon be admitted to bail.

18 (2) When cash bail equal to the total amount called for by such bond  
19 is [offered] deposited with the clerk of the court, such bond shall be  
20 executed and the money shall be received in lieu of a surety or sureties  
21 upon such bond. Such cash bail shall be retained by the clerk of such  
22 court until a final order of the court disposing of the same is passed;  
23 provided, if such bond is forfeited, the clerk of such court shall pay the  
24 money to the payee named therein, according to the terms and  
25 conditions of the bond.

26 (3) When cash bail equal to ten per cent of the amount called for by  
27 such bond is deposited with the clerk of the court, such bond shall be  
28 executed and the amount deposited shall act as surety for the total  
29 amount called for by such bond. An attorney who has entered an  
30 appearance on behalf of the accused person may file a lien against the  
31 amount deposited with the clerk of the court to secure payment of the  
32 costs of representing such accused person. Such amount deposited  
33 shall be retained by the clerk of such court until a final order of the  
34 court disposing of the same is passed. Upon such final order, the court  
35 shall retain twenty-five per cent of the amount deposited as an  
36 administrative fee for providing surety upon such bond and shall  
37 return the remaining amount to the person who deposited such  
38 amount with the clerk of the court or to the lienholder; provided, if  
39 such bond is forfeited, the clerk of such court shall retain the entire  
40 amount deposited.

41 (4) When cash bail in excess of ten thousand dollars is received for a  
42 person accused of a felony, where the underlying facts and  
43 circumstances of the felony involve the use, attempted use or  
44 threatened use of physical force against another person, the clerk of  
45 such court shall prepare a report that contains (A) the name, address  
46 and taxpayer identification number of the accused person, (B) the  
47 name, address and taxpayer identification number of each person  
48 offering the cash bail, other than a person licensed as a professional

49 bondsman under chapter 533 or a surety bail bond agent under  
50 chapter 700f, (C) the amount of cash received, and (D) the date the cash  
51 was received. Not later than fifteen days after receipt of such cash bail,  
52 the clerk of such court shall file the report with the Department of  
53 Revenue Services and mail a copy of the report to the state's attorney  
54 for the judicial district in which the court is located and to each person  
55 offering the cash bail.

56 (b) When real property is pledged, the pledge shall constitute a lien  
57 on the real property upon the filing of a notice of lien in the office of  
58 the town clerk of the town in which the property is located. The lien  
59 shall be in an amount equal to the bond set by the court. The notice of  
60 lien shall be on a form prescribed by the Office of the Chief Court  
61 Administrator. Upon order of forfeiture of the underlying bond, the  
62 state's attorney for the judicial district in which the forfeiture is  
63 ordered shall refer the matter to the Attorney General and the  
64 Attorney General may, on behalf of the state, foreclose such lien in the  
65 same manner as a mortgage. The lien created by this subsection shall  
66 expire six years after the forfeiture is ordered unless the Attorney  
67 General commences an action to foreclose it within that period of time  
68 and records a notice of lis pendens in evidence thereof on the land  
69 records of the town in which the property is located. If the bond has  
70 not been ordered forfeited, the clerk of the court shall authorize the  
71 recording of a release of such lien upon final disposition of the  
72 criminal matter or upon order of the court. The release shall be on a  
73 form prescribed by the Office of the Chief Court Administrator.

74 (c) Whenever an accused person is released upon the deposit by a  
75 person on behalf of the accused person of a sum of money equal to ten  
76 per cent of the amount called for by such bond or the total amount  
77 called for by such bond or upon the pledge by a person on behalf of  
78 the accused person of real property, the equity of which is equal to the  
79 amount called for by such bond, and such bond is ordered forfeited  
80 because the accused person failed to appear in court as conditioned in  
81 such bond, the court shall, at the time of ordering the bond forfeited:

82 (1) Issue a rearrest warrant or a capias directing a proper officer to take  
 83 the accused person into custody, (2) provide written notice to the  
 84 person who offered cash bail or pledged real property on behalf of the  
 85 accused person that the accused person has failed to appear in court as  
 86 conditioned in such bond, and (3) order a stay of execution upon the  
 87 forfeiture for six months. When the accused person whose bond has  
 88 been forfeited is returned to custody pursuant to the rearrest warrant  
 89 or a capias within six months of the date such bond was ordered  
 90 forfeited, the bond shall be automatically terminated and the person  
 91 who offered cash bail or pledged real property on behalf of the accused  
 92 person shall be released from such obligation and the court shall order  
 93 new conditions of release for the accused person in accordance with  
 94 section 54-64a. When the accused person whose bond has been  
 95 forfeited returns to court voluntarily within five business days of the  
 96 date such bond was ordered forfeited, the court may, in its discretion,  
 97 and after finding that the accused person's failure to appear was not  
 98 wilful, vacate the forfeiture order and reinstate the bond. Such stay of  
 99 execution shall not prevent the issuance of a rearrest warrant or a  
 100 capias.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2009	54-66
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**Statement of Purpose:**

To authorize an accused person or a person in his or her behalf, other than a bail bondsman, to post ten per cent of the amount called for by a surety bond to secure such person's release.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. KISSEL, 7th Dist.

S.B. 723